



## United States Department of the Interior

### Fish and Wildlife Service

Montana Ecological Services Office

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In Reply refer to:

File: M19 Bitterroot National Forest (F)

06E11000-2019-F-0104 Gold Butterfly

October 29, 2021

Matthew Anderson, Forest Supervisor  
Bitterroot National Forest  
1801 North First Street  
Hamilton, MT 59840

Dear Mr. Anderson:

This responds to your letter dated September 30, 2021, regarding the Gold Butterfly Project on the Bitterroot National Forest. The Service previously reviewed the Gold Butterfly Project in 2019. Since then, the Forest has undergone a re-analysis of the Project, and has incorporated a project-specific Forest Plan amendment for old growth into the proposed action. In December 2020, the Service proposed whitebark pine (*Pinus albicaulis*) for listing under the Endangered Species Act (ESA); thus the Forest provided a biological assessment regarding the effects of the Gold Butterfly Project on whitebark pine (U.S. Forest Service 2021). Because of all these changes, the Service has re-assessed the Gold Butterfly Project, and we present our findings in this letter.

The Forest analyzed the effects of the Gold Butterfly proposed action on species listed under the Endangered Species Act of 1973, as amended (Act), in the action area and determined the project *may affect, and is likely to adversely affect* bull trout (*Salvelinus confluentus*) and *may affect, but is not likely to adversely affect* bull trout critical habitat or Canada lynx (*Lynx canadensis*). The Forest determined the Gold Butterfly Project would have *no effect* on the grizzly bear (*Ursus arctos horribilis*), per the letter dated September 30, 2021.

The proposed project includes a variety of activities associated with vegetation management and recreation management, including:

- Vegetation management on 7,488 acres (including commercial harvest, non-commercial treatments, and prescribed fire)
- Move two trailheads, and create new horse campsites at the Gold Creek Campground.
- Replace Arrastra and Grizzly Creek culverts with low-water fords
- Road work and changes to travel management, including:
  - Perform road maintenance and BMPs on existing forest roads (up to 80.1

- miles)
- Construct 6.4 miles of new system road, none of it open to public motorized use
- Convert 0.22 mile of open public road to a non-motorized trail
- Decommission 5.8 miles of existing National Forest System Roads (NFSR) and 16.5 miles of existing “undetermined” roads
- Add 16.5 miles of existing “undetermined” roads to the system, none of which will be open to public motorized use
- Construct 7.7 miles of temp road, 8.5 miles of tracked line machine trail, 1.1 miles temp skid trail
- Store an estimated 21.5 miles of road

The project will also implement two actions that were identified by the Forest in the Travel Plan (2012) that the Forest committed to completing by the year 2020 (USFWS 2015; USFS 2015; USFS 2016):

- Replace of the North Fork Willow Creek culvert (the Gold Butterfly Project actually proposes removing the culvert and creating a low water ford, rather than replacing the culvert; the effects will still be to increase accessible habitat for bull trout by 3.5 miles upstream of the culvert, which has been a full barrier to upstream movement.
- Close the Burnt Fork Road, NFSR 312, to motorized vehicles 0.2 mile past the Burnt Fork Campground to the end of the road. The road prism will remain in place, and will be available for non-motorized use as a trail for foot and stock use.

Project activities are expected to begin in 2022, and will require the transport of approximately 6,000-7,000 truckloads of wood products from the project area. All project activities are expected to be completed within 8 years of project initiation. All temporary roads and trails would be obliterated after use, which would generally be limited to one operating season. Temporary roads and trails would be closed to public use by a closure order enforceable by law enforcement.

### **Whitebark Pine**

Pursuant to the requirements of 7(a)(4) of the Act and 50 C.F.R. § 402.10, the Forest assessed the effects of their proposed action and determined that the Project will not likely jeopardize the continued existence of the proposed whitebark pine. We reviewed your biological assessment and we concur with your determination.

### **Canada Lynx**

The proposed action includes commercial harvest on 940 acres, and non-commercial thinning on 25 acres, in mapped lynx habitat in the mature, multi-storied structural stage. All of these acres fall within the mapped wildland-urban-interface (WUI), and represent a 6 percent decrease in the amount of mature multi-storied lynx habitat in the action area. Non-commercial thinning is proposed for 103 acres lynx habitat in the stand initiation structural stage within the WUI and 136 acres of treatment in stand initiation structural stage outside of the WUI to restore whitebark

pine. These treatments would reduce snowshoe hare habitat in the short-term, but would begin to provide habitat for hares as vegetation in the stands grows back in.

The proposed action is located within unoccupied, secondary Canada lynx habitat or a 'secondary area' as defined in the Canada Lynx Recovery Outline (U.S. Fish and Wildlife Service 2005) and Revised Canada Lynx Conservation Assessment and Strategy (Interagency Lynx Biology Team 2013). Secondary areas only support lynx intermittently and any lynx use of the action area would be considered transient. Verified observations of lynx within the action area have not occurred in over 35 years and lynx are not likely to be found in the action area during proposed activities.

If transient lynx were to be in a project area during implementation, the potential disturbance is not expected to result in significant effects or reduce an individual's ability to move through the area. Some portions of mapped lynx habitat would be treated, and which would reduce their ability to provide high densities of snowshoe hares, thereby affecting availability of foraging habitat for any lynx in the area. The effects to lynx habitat would be minimal in scale, and would not significantly affect how transient lynx would use the habitat. The Northern Rockies Lynx Management Direction was considered for the proposed action and applicable standards and guidelines would be met. The proposed action would not impede lynx movement and does not reduce habitat connectivity. Treatments are not expected to preclude any future use of the area by transient lynx. Consequently, effects to lynx would be discountable and/or insignificant.

#### Canada lynx Summary

The Service has reviewed the biological assessment regarding the effects of the Gold Butterfly Project on Canada lynx, including the effects of the action and cumulative effects within the action area. We do not anticipate adverse effects to lynx from the project-related activities. Thus we concur with the Forest's determination that the proposed action is *not likely to adversely affect* threatened Canada lynx.

#### **Bull Trout Critical Habitat**

The 2010 final rule for the designation of critical habitat for bull trout in the coterminous United States (Federal Register 75 FR 63898, Vol. 75, No. 200, October 18, 2010) designated the Burnt Fork of the Bitterroot River as critical habitat. It is within the Bitterroot River Critical Habitat Sub-Unit, which is within the larger Clark Fork River Basin Critical Habitat Unit (Unit 31). The action area portion of the Burnt Fork is classified as spawning and rearing (SR) habitat. As part of the Clark Fork River Basin Critical Habitat Unit, critical habitat in the Gold-Butterfly action area is important for maintaining bull trout distribution within this unique geographic region that represents the evolutionary heart of the migratory adfluvial form of bull trout (U.S. Fish and Wildlife Service 2009a). Within the action area, Gold Creek and Burnt Fork Bitterroot Creek are designated critical habitat. While other streams in the action area contain bull trout (e.g. Willow Creek, Butterfly Creek), they are not designated critical habitat, and thus effects to critical habitat were not assessed in those creeks (but effects to the species are addressed in the biological opinion).

Habitat indicators used to assess each of the nine Primary Constituent Elements (PCEs) are “Functioning Appropriately” (FA) or “Functioning at Risk” (FAR) in the Upper Burnt Fork watershed. Within the Lower Burnt Fork watershed (which includes Gold Creek, as well as mostly private lands), many of the indicators for PCEs are “Functioning at Unacceptable Risk” (FUR) (see Table 2 in the Biological Opinion for this project). PCEs in the action area are functioning adequately enough to provide habitats for the persistence of the species and/or maintenance at a low population level, as evidenced by monitoring data for the species that is presented in the biological assessment.

The only project actions that may affect critical habitat in the Burnt Fork are the removal of the two culverts on Grizzly and Arrastra Creeks, the conversion of road NFSR 312 to a non-motorized trail above Gold Creek Campground, and the addition of two horse campsites at the existing Gold Creek Campground.

Grizzly and Arrastra Creeks are not designated critical habitat, but they are tributaries to Burnt Fork Creek. Grizzly and Arrastra creek culvert locations are approximately 30 feet upstream from their confluence with Burnt Fork Creek. Removal of the culverts would occur when streams are at minimum flows, or intermittent and disjointed from critical habitat, thereby reducing and or removing potential sediment recruitment to critical habitat. Currently, the culverts at these locations are covered with minimal fill, and in some spots the culvert is already above road grade; therefore, the removal of the remaining fill will require minimal excavation reducing the potential for sediment delivery to critical habitat in any measurable way. The temporary effects on streambanks and vegetation referenced in the BA are those along Grizzly and Arrastra Creeks, but not along the Burnt Fork. The location of the culverts outside of critical habitat, the timing of the culvert removal, and the minimal excavation needed to accomplish the removals, along with BMP and other minimization efforts outlined within the BA will all minimize the potential for sediment to reach critical habitat at a scale that is measurable. Therefore, the effects to critical habitat from culvert removals would be insignificant or discountable to critical habitat.

Improvements to critical habitat PCEs 3 and 4 along the Burnt Fork Bitterroot River will result from eliminating motorized access on NFSR 312 above Gold Creek Campground (USFS 2019, p. 39). This improvement is along a 3.7 mile reach of critical habitat, and is expected to improve conditions along this stretch without any negative effects to PCEs.

The addition of two horse campsites at the existing Gold Creek Campground may slightly degrade PCEs 3 and 4. As disclosed in the BA, the campsites would be located outside of the riparian habitat conservation area (RHCA), but campers may enter the RHCA to fell trees for firewood, potentially reducing future supplies of large woody debris. On a site visit in summer of 2021, the USFWS examined the RHCA and campground, and location of proposed new campsites. Large wood is currently abundant in the RHCA near the campground, and the substrate size (cobbles) is too large to provide spawning habitat for bull trout in the vicinity of the campground. The proposed action includes a measure to build a jackleg fence to funnel stock users to an area where bank erosion would be minimal, if needed, and signage to remind visitors that cutting firewood in the RHCA is illegal. Even if illegal use occurs, and firewood is cut in the RHCA, we anticipate the effects would be minimal, due to the dense vegetation that

exists in the RHCA and the inaccessibility of the far side of the stream. Thus, any effects are not expected to rise to the level or intensity that PCEs 3 or 4 would be measurably degraded. Thus effects to critical habitat would be insignificant or discountable, as the proposed action is not likely to measurably reduce the likelihood of the PCE to function at a level that adequately supports bull trout spawning and rearing.

The proposed action will not preclude PCEs 1 through 9 from becoming fully functional. The Gold Butterfly Project will provide an overall improvement to bull trout critical habitat in the Upper Burnt Fork HUC, and will maintain conditions in the Lower Burnt Fork HUC. Critical habitat in the Lower Burnt Fork HUC will remain below optimal conditions and will not fully provide its intended recovery function, largely due to actions and conditions downstream of the Forest boundary (e.g. irrigation diversions). The Service encourages the Forest to continue to assess and address opportunities to improve PCEs for critical habitat, and to work collaboratively with the Service and other partners to do so.

### *Bull Trout Critical Habitat Summary*

The Service has reviewed the biological assessment regarding the effects of the Gold Butterfly Project on bull trout critical habitat, including the effects of the action and cumulative effects within the action area. We anticipate all effects of the proposed action would either be insignificant or discountable to bull trout critical habitat. Thus we concur with the Forest's determination that the proposed action is *not likely to adversely affect* designated critical habitat for bull trout. We base our concurrence on the information and analysis in the biological assessment prepared by Jo Christensen, fisheries biologist, and information in our files.

### **Bull Trout**

The Forest also concluded that the project *may affect, and is likely to adversely affect* bull trout. Our biological opinion issued on August 6, 2019, addressed the effects of the proposed action on bull trout. The biological opinion was prepared in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Because the Forest's proposed amendment specific to old growth did not affect the proposed vegetation treatments, haul routes, or other aspects of the project that would affect bull trout, our 2019 biological opinion for bull trout has not changed. We acknowledge and appreciate that the Forest completed part of Term and Condition G from the 2019 bull trout biological opinion in September 2020, upgrading the culvert where NFSR 364 crosses Willow Creek to allow fish passage at all flows, and reducing potential culvert failure and sediment issues. We appreciate the Forest's efforts to improve habitat conditions for bull trout.

### **Conclusions**

The Service has reviewed the biological assessments, as well as additional information provided during the consultation process and information in our files. We concur with the determinations that the proposed action is *not likely to adversely affect* the threatened Canada lynx and designated critical habitat for bull trout. Therefore, pursuant to 50 C.F.R. § 402.13 (a), formal consultation is not required. This concludes informal consultation for Canada lynx and bull trout

critical habitat, pursuant to the regulations implementing section 7(a) (2) of the Act, 50 C.F.R. 402.13.

This Project should be re-analyzed if new information reveals effects of the action that may affect listed or proposed species or designated or proposed critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by the Gold Butterfly Project.

We appreciate your efforts to ensure the conservation of threatened and endangered species as part of our joint responsibilities under the Act. A complete project file of this consultation can be found at the Service's Montana Field Office. If you have questions or comments related to this consultation, please contact Carly Lewis (USFS/USFWS Liaison) at [carly\\_lewis@fws.gov](mailto:carly_lewis@fws.gov). Otherwise, please coordinate with the Montana Ecological Services Office.

Sincerely,



for Jodi L. Bush  
Office Supervisor

#### **References Cited:**

- Interagency Lynx Biology Team. 2013. Canada lynx conservation assessment and strategy. DRAFT 3<sup>rd</sup> edition, June 13, 2013. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication #R1-13-XX, Missoula, Montana. 116 pp.
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